

Supreme Court of Florida

No. SC18-697

IN RE: AMENDMENTS TO THE FLORIDA SUPREME COURT APPROVED FAMILY LAW FORMS—12.980(b)(1).

[June 21, 2018]

PER CURIAM.

Pursuant to the procedures approved in *Amendments to the Florida Family Law Rules of Procedure & Family Law Forms*, 810 So. 2d 1, 13-14 (Fla. 2000), this Court has internally reviewed the Florida Supreme Court Approved Family Law Forms and has decided that amendments to form 12.980(b)(1) (Order Setting Hearing on Petition for Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, Sexual Violence, Stalking Without Issuance of an Interim Temporary Injunction) are needed. *See* Fla. R. Jud. Admin. 2.140(d). Input was received from the Advisory Workgroup on the Florida Supreme Court

Approved Family Law Forms, which provided valuable assistance. We have jurisdiction,¹ and amend form 12.980(b)(1) as follows.²

We replace language in form 12.980(b)(1) regarding recording and transcription of proceedings with language indicating that proceedings concerning domestic violence or stalking must be recorded by the presiding court and can be transcribed at the parties' expense. The new language also indicates that the presiding court is not required to record or transcribe other types of proceedings set for hearing by the form, but that the parties may arrange to have such proceedings recorded or transcribed at their expense. These amendments clarify a presiding court's obligation to record domestic violence and stalking proceedings pursuant, respectively, to sections 741.30(6)(h) and 784.0485(6)(f), Florida Statutes (2017).

The amended form is hereby adopted as set forth in the appendix to this opinion, fully engrossed. The amendments to the form shall become effective immediately upon the release of this opinion and may be accessed and downloaded from the Florida State Court's website at <http://www.flcourts.org/resources-and-services/court-improvement/family-courts/family-law-forms.stml>. By adoption of the amended form, we express no opinion as to its correctness or applicability. We

1. *See* art. V, § 2(a), Fla. Const.

2. Other nonsubstantive editorial changes are also made.

also direct that the amended form be published for comment. Interested persons shall have sixty days from the date of this opinion to file comments with the Court.³

It is so ordered.

LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, CANADY, POLSTON, and LAWSON, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Supreme Court Approved Family Law Forms

3. All comments must be filed with the Court on or before August 20, 2018, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. *See In re Electronic Filing in the Florida Supreme Court*, Fla. Admin. Order No. AOSC17-27 (May 9, 2017). Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

APPENDIX

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.:

Division:

Petitioner,

and

Respondent.

**ORDER SETTING HEARING ON PETITION FOR INJUNCTION
FOR PROTECTION AGAINST
 DOMESTIC VIOLENCE REPEAT VIOLENCE
 DATING VIOLENCE SEXUAL VIOLENCE STALKING
WITHOUT ISSUANCE OF AN INTERIM TEMPORARY INJUNCTION**

A Petition for Injunction for Protection Against: Domestic Violence filed under section 741.30, Florida Statutes; Repeat, Dating, or Sexual Violence filed under section 784.046, Florida Statutes; or Stalking filed under section 784.0485, Florida Statutes, has been reviewed. This Court has jurisdiction of the parties and of the subject matter. Upon review of the Petition, this Court concludes that a Temporary Injunction for Protection Against Domestic Violence; Repeat, Dating, or Sexual Violence; or Stalking, pending the hearing scheduled below, **NOT** be entered at this time but that an injunction may be entered after the hearing, depending on the findings made by the Court at that time.

FINDINGS:

The Court finds that based upon the facts, as stated in the Petition alone and without a hearing on the matter, there is no appearance of an immediate and present danger of domestic violence; repeat, dating or sexual violence, or stalking, or that stalking exists. Therefore, there is not a sufficient factual basis upon which the court can enter a Temporary Injunction for Protection Against Domestic, Repeat, Dating, or Sexual Violence, or Stalking, prior to a hearing. A hearing is scheduled on the Petition for Injunction for Protection Against Domestic, Repeat, Dating, or Sexual Violence, or Stalking, in Section II of this Order. Petitioner may amend or supplement the Petition at any time to state further reasons why a Temporary Injunction should be ordered which would be in effect until the hearing scheduled below.

NOTICE OF HEARING

Petitioner and Respondent are ordered to appear and testify at a hearing on the Petition for Injunction for Protection Against Domestic, Repeat, Dating, or Sexual Violence, or Stalking on:

{date} _____, at ____ a.m./p.m. at {location} _____

at which time the Court will consider whether a Final Judgment of Injunction for Protection Against Domestic, Repeat, Dating, or Sexual Violence, or Stalking should be entered. If entered, the injunction will remain in effect until a fixed date set by the Court or until modified or dissolved by the Court. At the hearing, the Court will determine whether other things should be ordered, including, for example, such matters as time-sharing and support, if appropriate.

If Petitioner and/or Respondent do not appear, orders may be entered, including entry of a permanent injunction and the imposition of court costs. Petitioner and Respondent will be bound by the terms of any injunction or order issued at the final hearing.

IF EITHER PETITIONER OR RESPONDENT DO NOT APPEAR AT THE FINAL HEARING, HE OR SHE WILL BE BOUND BY THE TERMS OF ANY INJUNCTION OR ORDER ISSUED IN THIS MATTER.

All witnesses and evidence, if any, must be presented at this time. In cases where temporary support issues have been alleged in the pleadings, each party is ordered to bring his or her financial affidavit (Florida Family Law Rules of Procedure Form 12.902(b) or (c)), tax return, pay stubs, and other evidence of financial income to the hearing.

DOMESTIC VIOLENCE AND STALKING HEARINGS:

Court proceedings concerning domestic violence or stalking are required by law to be recorded. This recording may be by electronic means. No written transcript of the Court's recording will be provided to the parties. Either party may arrange for a court reporter to prepare a written transcript of the hearing at that party's expense.

REPEAT VIOLENCE, DATING VIOLENCE, OR SEXUAL VIOLENCE HEARINGS:

The law does not require court proceedings concerning repeat, dating, or sexual violence to be recorded; however, either party may arrange for a court reporter to record the hearing and prepare a written transcript of the hearing at that party's expense. Arrangements for a court reporter must be made in advance.

A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT AN APPEAL. THE PARTY SEEKING THE APPEAL IS RESPONSIBLE FOR HAVING THE TRANSCRIPT PREPARED BY A COURT REPORTER. THE TRANSCRIPT MUST BE FILED WITH THE REVIEWING COURT OR THE APPEAL MAY BE DENIED

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provisions of certain assistance. Please contact:

***{identify applicable court personnel by name, address, and telephone number}* at least 7 days before your scheduled court appearance , or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

Nothing in this order limits Petitioner's rights to dismiss the petition.

DONE AND ORDERED in _____, Florida, on _____.

CIRCUIT JUDGE

COPIES TO:

Sheriff of _____ County

Petitioner:

_____ by U. S. Mail

_____ by hand delivery in open court

_____ by e-mail to designated e-mail address(es)

Respondent:

_____ forwarded to sheriff for service

_____ State Attorney's Office

_____ Other: _____

I CERTIFY the foregoing is a true copy of the original **Order Setting Hearing on Petition for Injunction** as it appears on file in the office of the Clerk of the Circuit Court of _____ County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: _____
{Deputy Clerk or Judicial Assistant}